

## PATENT

### REISSUE DECLARATION, POWER OF ATTORNEY, AND PETITION

As the below named inventors, we hereby declare that: Our residences, post office addresses and citizenships are as stated below next to our names, and we believe we are the original, first and joint inventors of the subject matter which is described and claimed in Letters Patent Number, 5.902.757 entitled **STITCH BONDED FABRIC AND FLUID-RETAINING FABRIC MADE THEREWITH**, granted on May 11, 1999, and in the foregoing specification, for which invention we solicit a reissue patent.

### **ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We hereby acknowledge the duty to disclose to the United State Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

### **STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT 37 CFR § 1.175**

We believe the original patent to be partly invalid or inoperative by reason of our claiming less than we had a right to claim in U.S. Patent No. 5.902.757 ("the original patent"). Claims 1-29 as issued in the original patent do not claim the invention as broadly as we believe we are entitled to claim it, and claims of the scope of new claims 30-87 are needed to provide the scope of protection for the invention described in the specification which we believe we are entitled to secure. All errors which are being corrected in the

present reissue application up to the time of filing of this declaration arose without any deceptive intention on our part.

Claims 1-22 of the original patent are directed to a stitch bonded facing fabric having a felt web (of one or more layers), and specify certain hydrophobic and hydrophilic properties of the felt web. Claims 23-29 of the original patent are directed to a fluid-retaining fabric having such a stitch bonded facing fabric. All of the claims of the original patent further are directed to their respective fabrics including a plurality of stitch bonding yarns which repeatedly extend through the felt web with yarn segments extending across both the upper and lower surfaces of the felt web to form yarn faces above and below the felt web. It was not appreciated at the time of filing, nor through the prosecution of the application, that a stitch bonded facing fabric, or a fluid-retaining fabric including a stitch bonded facing fabric, focused more broadly on just one of the yarn faces and without necessarily focusing on either or both of the hydrophobic and hydrophilic properties of the felt web was in and of itself novel, regardless of the hydrophobic and/or hydrophilic properties of the web.

In view of the foregoing, we are presenting literally broader claims to which we are entitled and which were not previously pursued due to errors as above described. We are presenting new claims 30-87 as discussed below. These claims are necessary to secure the protection to which we are entitled.

#### Claims 30-38

New independent claim 30 is directed to a stitch bonded facing fabric similar to original patent claim 12, but without regard to the hydrophobic and or hydrophilic properties of the felt web. Support for this claim is found in the specification of the original patent at col. 2, ll. 40-45 and 48-65, for example. New dependent claims 31-36 correspond to the subject matter of original patent claims 13-18, and new dependent claim 38 corresponds to the subject matter of original patent claim 20. New dependent claim 37 adds to claim 30 that the felt web includes first and second felt layers, support for which is found, for example, at col. 2, ll. 40-41 of the specification of the original patent.

#### Claims 39-50

New independent claim 39 is directed to an incontinent pad including the stitch bonded facing fabric as set forth in claim 30, plus a barrier layer joined thereto, and is similar to original patent claim 23 without regard to the hydrophobic hydrophilic properties of the felt. Further support for claim 39 is found, for example, at col. 3, ll. 23-26 of the specification of the original patent. New dependent claims 40 and 41 correspond to the subject matter of original patent claims 24 and 29, and set forth adhesive or stitching to attach the barrier layer, further support for which is found, for example, at col. 3, ll. 29-35 of the original patent specification. New dependent claim 42 corresponds to the subject matter of original patent claim 26.

New dependent claim 43 defines the felt web as including first and second felt layers of the stitch bonded facing fabric as discussed in connection with new claim 37 above.

New dependent claim 44 adds the scrim layer which was the subject matter of original patent claims 2 and 13. New dependent claim 45 specifies the positioning of the scrim layer, support for which is found, for example, at col. 3, ll. 49-50 of the specification of the original patent. New dependent claims 46-50 correspond, respectively, to the subject matter of original patent claims 14 and 16-19.

#### Claims 51-57

New independent claim 51 is directed to a fluid-retaining fabric and corresponds to original patent claim 23, without regard to the hydrophobic/hydrophilic properties of the felt, but specifying that the stitch bonding yarns are hydrophobic to assist in wicking fluid into the felt web. Support for new claim 51 is found, for example, at col. 2, ll. 40-45 and col. 3, ll. 2-10 and 20-21 of the specification of the original patent.

New dependent claims 52-57 add subject matter corresponding to the subject matter of original patent claims 13, 14, 16-18, and 21.

#### Claims 58-64

New independent claim 58 is directed to a stitch bonded fabric similar to claim 1, but directed to the layer of hydrophobic felt with the stitch bonding yarns forming the yarn face on the outer surface of the layer of felt or another yarn face. Support for new claim 58 is found, for example, at col. 2, ll. 34-35, 43-44 and 48-50.

New dependent claim 59 depends from claim 58 and further recites a second layer of felt, but without regard to the hydrophobic or hydrophilic nature of that second layer. Support for new claim 59 is found, for example at col. 2, ll. 35-36.

New dependent claim 60 adds a scrim layer between the yarns and felt surface, support for which is found at col. 3, ll. 46-49. New dependent claims 61-64 correspond in subject matter to original patent claims 3 and 5-8, respectively.

#### Claims 65-69

New independent claim 65 is similar to original patent claim 1 (and new claim 58) but focuses on the layer of hydrophilic felt rather than the hydrophobic felt. Support for new claim 65 is found, for example, at col. 2, ll. 34, 35-36, 48-49, and 50-52. New dependent claim 66 further recites a second layer of felt, but without regard to the hydrophobic or hydrophilic nature of that second layer. Support for new claim 66 is found, for example, at col. 2, ll. 34-35 of the original patent specification; new dependent claim 67 adds a scrim layer between the yarns and felt surface, support for which is found at col. 3, ll. 46-48 and 49-50; and new dependent claims 68 and 69 correspond in subject matter to original patent claims 5 and 8.

#### Claims 70-79

New independent claim 70 is directed to an incontinent pad including the facing fabric of claim 58 and a barrier layer joined to the facing fabric, support for which is provided by the same support as discussed above in connection with new claims 39 and 50.

New dependent claim 71 further recites a second layer of felt without regard to the hydrophobic or hydrophilic nature of that second layer. Support for new claim 71 is found, for example at col. 2, ll. 35-36.

New dependent claims 72-74 correspond to the subject matter of new claims 40-42.

New dependent claim 75 adds a scrim layer between the yarns and the felt support for which is found, for example, at col. 3, ll. 46-49 of the specification of the original patent.

New claims 76-79 correspond to the subject matter of original patent claims 3, 6, 7, and 9, respectively.

#### Claims 80-87

New independent claim 80 is directed to an incontinent pad comprising the facing fabric of new claim 65 with a barrier layer joined to that facing fabric support for which is also provided by the support for new claims 39 and 65 as described above.

New dependent claim 81 depends from claim 80 and further recites a second layer of felt without regard to the hydrophobic or hydrophilic nature of that second layer. Support for new claim 81 is found, for example at col. 2, ll. 34-35.

New dependent claims 82-84 correspond to the subject matter of new claims 40-42.

New dependent claim 85 adds a scrim layer between the yarns and the felt. Support for which is found at col. 3, ll. 46-48 and 49-50.

New dependent claims 86 and 87 correspond to the subject matter of original patent claims 5 and 9.

We now realize that we were mistaken in believing that the claims of our U.S. Patent No. 5,902,757 provided satisfactory protection for our invention. As is apparent through the foregoing, the claiming of less than we had a right to claim arose through error without any deceptive intention on our part.

### **POWER OF ATTORNEY**

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Wherefore we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our names to the foregoing specification and claims, declaration, power of attorney, and this petition.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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